DOCUMENT RESUME

ED 142 622 UD 017 117

AUTHOR Segalman, Ralph
TITLE Affirmative Action, Delivered Equality and the Concept of Community.
PUB DATE 76
NOTE 16p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Affirmative Action; *Community Characteristics; *Conceptual Schemes; Equal Education; *Equal Opportunities (Jobs); Ethnic Groups; *Ethnicity; Futures (of Society); Minority Groups; *Models; Race Relations; Racial Factors; *Sociology; Theories

ABSTRACT

This paper describes three models of society: (1) the gemeinschaft, (2) the gesellschaft, and (3) the pseudo-gemeinschaft, and examines the affirmative action process and its relationship to the utopian ideals of equality of opportunity and delivered equality. In a gemeinschaft community, members look out for one another and the community exists for the support of all and to protect itself against outsiders. In a gesellschaft model the purpose of the community is to Provide opportunities for individual material improvement. In the gemeinschaft, individuals have limited access to leave the community but every individual's views are taken into account in community decisions. In the gesellschaft, individuals have complete freedom to leave and the individual's vote depends on his economic activity. Between gemeinschaft and gesellschaft a model has developed called the pseudo-gemeinschaft. This model is exemplified by those persons who assume that all persons of one race, religion or ethnic group make up an organic community. For instance this view ties middle class and affluent educated blacks with the urban poor. It is suggested that it is this view which forms the basis of much of affirmative action policy. It is indicated that past gemeinschaft patterns imposed a prejudicial exclusion for some ethnic groups at the expense of others. Gesellschaft employment and educational patterns have also not provided equality for all. Moreover, it is concluded that pseudo-gemeinschaft, whether experienced in the form of affirmative action or the "caring corporation" is retrogressive. (Author/AM)

**********
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
**********

ED142622

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

# AFFIRMATIVE ACTION, DELIVERED EQUALITY AND THE CONCEPT OF COMMUNITY

by
Ralph Segalman
California State University, Northridge
for Presentation, Pacific Sociological Association,
San Diego, 1976

1. A woman enters a dress shop and is shown a particular dress. She leaves and enters another dress shop where she buys an identical dress at a much higher price. She justifies her purchase by saying that the people in the second dress shop were more concerned for her interests and needs. She may even seek to prove that the two dresses are not the same (even though they are).

2. A passenger on a long air trip is catered to with patience and understanding by a stewardess until the plane arrives at its terminal point. As he requests directions to the taxi rank she responds "Trip's over, Bub!"

3. A marginal student of Mexican/American descent fails a required course in his senior year. He appeals to the instructor for a courtesy grade of "B" despite the fact that he has not completed the required work. His plea is based upon his need to complete the undergraduate work without delay because he has been pre-accepted into a graduate program at a prestigious university.

4. A superannuated young man who has failed to get beyond the master's degree in English literature, despite repeated efforts, has been refused entry into college teaching. He finally has made an acceptable but not exceptional place for himself as a high school English teacher. He has long described himself as a descendant of Spanish or Portuguese Moranno Jews. Within the space of nine months he undergoes a metamorphasis and blossoms out as a leader of a Chicano political movement, as head of a Chicano Studies Program and as a frequent participant in political meetings called to press

UD017117

for a graduate share of available jobs from the Anglo establishment.

5. A no longer young Nisei, who had been confined to an American concentration camp for persons of Japanese ancestry during World War II applies to a graduate school for admission where he is advised to try to apply under a quota covering Blacks or Chicanos if he can. Presumably the Japanese are not considered to have suffered for their ethnicity and so he has little chance of being admitted no matter how good his qualifications.

6. A young white American volunteers to teach in an urban ghetto which is made up almost entirely of Blacks. Despite his low wage, his patience, and constant effort to be helpful and understanding of his students he finds, after a time, that he is socially isolated and rejected by the community and he finally gives up and leaves. His place is then only intermittently filled by volunteer Blacks who are less qualified teachers.

7. A Black professor in a university medical school is involved in rejecting some Black applicants because of their low level of academic preparation. He is accused by other Blacks and some white "liberals" of being an "Uncle Tom" and "disloyal to his people." He justifies his position by his concern about producing incompetent physicians who may harm their patients in the ghetto.

8. A hospital administrator complains that he has hired graduates of special minorities college programs because he sought to meet the Affirmative Action Quotas and he assumed, at the time, that such degrees were equivalent to graduation in any other major. Now he finds that most of these students have severe deficiencies in the use of English and arithmetic to the point that he can't effectively use them in his institution for the jobs originally planned. The administrator is afraid to let these employees go for fear of the negative public relations which would ensue.

What do these situations have in common? Each is an example of the application of pseudo-gemeinschaft standards to modern gesellschaft society.

Under gemeinschaft community life, whether in the extended family tribe, the manorial community or even in the most comfortable of idealistic societies where every member was a highly valued person, a number of fixed conditions were upheld. Each person received a share of the resources regardless of his ability and participation in the work of the community. Because he was a valued member of the established community he had a place in the community and he could be expelled only if he violated the most sacred taboos. There was a place for everyone and everyone had his place. In theory everyone cared for every other member of the community, and so no one was ever really hungry, without shelter or lonely although everyone was constantly chaperoned and the presumably brighter members were often bored. A closed communication circuit was developed and everyone was pressed not only to adhere to the tight moral standards of the community but was also pressed to appear to believe in the approved community standards. Life in the gemeinschaft was seemingly without open conflict. The few deviants of the gemeinschaft (the village idiot, the village drunkard and the village lunatic) were provided for and allowances were made for them. All other deviance however, was dealt with firmly and with little compassion. For those who liked to work in their own way,to think in their own way and to be generally innovative, the gemeinschaft was an oppressive place to live. In the world of the blind, the one-eyed man is not king--merely a scapegoat, unless the one-eyed man is adept in convincing the blind that he too is unable to see.

In the gemeinschaft there was only one religion, and only one way to dress, and that was prescribed according to one's place in the community. There was a place for everyone who was a member and everyone was expected

to remain in his place, to marry in his place, to compete with no one for place and presumably to die in the place where he was born, both geographically, occupationally and in terms of status. In order to remain in the gemeinschaft, in order to continue to have the security of feeling that "belongs," and in order to be sure of being provided for, the individual gave up his right to be different, his right to compete, his right to excell, his right to define himself as a person on his own rather than as a group member, his right to improve himself, and his social position. Every member was expected to scorn or avoid non-members who were, in effect "non-people." To associate with non-groupers was an invitation to be named a traitor. In the gemeinschaft lay the roots of ethnocentrism, prejudice and discrimination.

Theodore Adorno, in his analysis of the relationship between sociology and psychology dealt directly with the gemeinschaft's impact on the individual. Adorno viewed the sociologist as concerned primarily with the individual's relations with others and the psychologist as concerned with the individual's relationship with himself. In order to survive, a deep personal concern, the individual had to perform acts within the tribe and under tribal direction. But that was not enough for survival, Adorno noted. The individual also had to "get along" with others in the tribe, or else he would be expelled and without means of survival. "Getting along" with others in the tribe soon became intertwined with the fear of exile and thus the "need to belong" became strongly associated with the desire to survive. Adorno believed that only the "moral hero" could ever feel free enough to do his work and carry out meaningful activity exchanges without the constant fear of being unpopular or unaccepted by others. In Adorno's view individual freedom and the higher levels of human civilization involved the freedom to

surmount the gemeinschaft pressure, to make logical and truthful choices rather than choices based upon conformity to the expectations of others. In this view conformity at the expense of rational autonomy is the behavior of an insect colony rather than of the free human.

Conformity and uniformity for the sake of societal functionality is, of course, a constant necessity in a large technological civilization. Much of the training in socialization which the family and tribe or surrogate tribe give to children is a necessity for societal survival. But if the members of a society are arrested in their development solely for the purposes of survival of the gemeinschaft, then civilization is badly served.

The development of the gesellschaft, and the decline of the gemeinschaft made modern business transactions and the factory system possible. Without an impersonal, atomistic and mechanical relationship it would have been impossible to develop mass production, mass distribution and mass consumption. If the world was still made up of hundreds or thousands of small "caring" communities where everyone was concerned for his fellow members and therefore everyone in the community hated and feared all non-members and strangers then there would be little intercommunal peace and very little commerce other than an exchange of homespun products within each community. In other words, to care for someone more than one cares for others is, by definition, a rejection of others. To assume a caring for everyone without expression of preferences or interests is, by definition a type of unreal, non-existent altruism at best and a form of promiscuity at worst.

Only when buyers, sellers, workers and employers learned to buy low, sell high and to maximize their return without concern for the personal identity of one's respective buyers, sellers, workers and employers was it

possible for everyone to compete, to build up capital and to improve himself and his position within the society. In return for giving up the security of belonging and being provided for, the individual in the gesellschaft now had a chance to "seek his fortune," a phrase used many times over in the folk lore of the evolving society.

With the expansion of the gesellschaft business world those who could compete successfully did so and prospered. Those who preferred the comfort of being with their own and of associating only with their own or who could not develop the skills required in the world of business competition either returned to the gemeinschaft if it was still available or else faded from the market place and from the biological process as well. Some remnants of the gemeinschaft based upon mutual ethnic origins, on mutual geographical origins and on mutual religious persisted but with minimal resources and with limited cohesion. There were continued vestiges of gemeinschaft evident in terms of job discrimination, etc., but these usually operated to the financial detriment of the prejudiced because they substituted gemeinschaft nepotism for gesellschaft cost-and-profit effectiveness. Over time mankind moves toward an ordered civilization by leaving gemeinschaft considerations out of the market place of ideas, products and sales. In time the buyer learns to look at the product rather than the gemeinschaftlich warmth of the seller (a stance which we have labelled "cosmetic humanism"). In time the employer learns to hire the best man for the job rather than seek out a surrogate second cousin or fellow gemeinschaft member based upon the limits of his empathic parochialism. Every move away from the gemeinschaft moves the society closer toward social stability with an open ended opportunity structure.

In a sense then the gemeinschaft is an intermediate step in the evolving of civilization. The gemeinschaft is the spawning ground for the beginners

in man's socialization.

Between gemeinschaft and gesellschaft a model has been developed which I proposed to call the pseudo-gemeinschaft. This model is evident whenever a gesellschaft establishment seeks to convince its customers that it has a gemeinschaftlich concern for them and their welfare whereas its only interest is in making profit. Despite the fact that such efforts are epitomized by the traditional "used car salesman", many customers of such businesses, in their yearning for gemeinschaft security are overwhelmingly fooled by the pseudo-gemeinschaft stance of these establishments. The key difference between the gemeinschaft and the pseudo-gemeinschaft is that there is a functional and active social cohesion and common fate in the former which does not exist at all in the latter.

Another form of pseudo gemeinschaft exists in the minds of prejudiced persons who assume that all persons of one race, religion or ethnic group make up an organic community, that they have common qualities, common levels of competency, have had common experiences and that they hold common views about all other ethnic groups and religions. It is this form of pseudo-gemeinschaft which has been proven unscientific and invalid by anthropological studies. It is this view which has served as a barrier to socio-economic upgrading for members of various ethnic groups, religions and races. It is this view which mistakenly ties middle class and affluent educated Blacks with the urban poor. It is this view which is the basis of much of affirmative action policy. It is this view which is the basis for extensive bussing plans to move thousands of children from one school neighborhood to another.

Chart #1 presents a comparison between the three models herewith described.

CHART #1

| | Utopian Model of Gemeinschaft | Utopian Model of Gesellschaft. | The Pseudo-Gemeinschaft |
|---|---|---|---|
| Purpose of community | For mutual support of all and mutual protection against "outsiders". | To provide opportunities for individual material improvement. | To provide opportunities for special interests to achieve their purposes which could not be secured merely on the basis of product or worker quality. |
| Motivation of community | Mutual concern | Individual self improvement and achievement to promote stability & security of all. | None--"community" is to be used for purposes of special interests. |
| Access of individual to escape from community | Only to the extent that he can develop skills and resources with which to go elsewhere. | Complete freedom to leave. All market places open to all bidders. | None. As a customer, escape is possible only by the individual ability to see through the pseudo-gemeinschaft camaflouge to the real facts about the proposed product. As a candidate for a position the individual is bound to an ethnic pseudogemeinschaft category not of his choosing. |
| Access of individual to community governance | In the Utopian model social-distance in minimized and all views are taken into account in community decisions. | In the Utopian model each person "votes" by his economic activity. Every bid and offer affects community decisions. The "contract" makes the community. | Despite the fact that the pseudo-gemeinschaft has an impact on all, it is a fictive community and the mass of individuals have no participatory entre into its governance. It is an imposition without representation. |

With this explanation of the gemeinschaft, the pseudo-gemeinschaft and the gesellschaft as models we can now proceed to an examination of the affirmative action process in its relationship to the utopian ideals of equality of opportunity and delivered equality.

Originally affirmative action was established in order to "crack" the rigid structures of the building trade unions. In these unions apprenticeship was generally closed to all except the children and close friends of journeymen in these unions. The substantive requirements for admission to apprenticeship were not severe in terms of requisite education. Almost any physically able person could be accepted if he had entre into the closed social world of the journeymen. In other words each journeyman's union, by nepotism and friendship, and by control of information regarding entry, succeeded in creating and maintaining a functioning gemeinschaft which could work for conditions of non-competition among workers, maximized pay and benefits and exclusion of equally qualified or better qualified workers from their trades. In the process each journeyman's gemeinschaft maintained a "flank protection" stance to preserve the system of gemeinschafts against employers, potential competitors and the public. Similarly each union gemeinschaft sought to minimize the work effort required of each journeyman and thus the public paid exhorbitant prices for highly featherbedded employment.

In the effort to crack this closed system affirmative action required that all apprenticeship and upgrading examinations be fully publicized, and the unions be required to show what affirmative action they have taken in reaching out for apprentices and potential journeymen who were to be drawn from populations beyond their parochial "social set." This was considered particularly important because many members of minority populations who could be meaningfully employed in these trades seldom if ever were presented with the perceptions of possible apprenticeship of the building trades, nor were

the opportunities made accessable to them.

It is apparently reasonable to require that all openings be aggressively publicized and presented to all of the population and to all elements in the population if we are to seek both increased equality of opportunity for all and improved worker productivity. But the actions by affirmative action programs which followed these preliminary steps present us with a number of concerns which go beyond equality of opportunity and which make for even lessened work productivity. The first of these steps related to the concept of an "ethnic makeup" goal. These ethnic goals sought to compare the ethnic makeup of a union at all levels with the ethnic makeup of the surrounding society. If there was a severe disparity between them then the union was, prima facia considered to be in violation of the affirmative action goals.

This type of goal when enforced became in effect, a quota which openly specified minimums for ethnic involvement but, covertly specified maximums as well. With only a finite number of positions available the opening of positions to some ethnic groups will necessarily deny them to others. Thus the employer who requires a skilled worker must choose the applicant who will fill his quota, rather than the applicant who will best serve his establishment. Where all applicants are of equal ability this presents little difficulty to the employer. But where there are only a few qualified applicants of a "quota-open" ethnic group and hundreds of qualified applicants of a now excluded, "non-open-quota" ethnic group, the employer is faced with a dilemna, especially when the "open-quota" ethnics are only marginally qualified, equality of opportunity would require that all persons be given a chance to compete for the position. Past parochial gemeinschaft patterns imposed a prejudicial exclusion for some ethnics at the expense of others. This process usually developed not through any intended desire to exclude others but through the

effect of the minimized social-distance of the gemeinschaft. People hire and promote the people they know and perceive as trustworthy, unless the breath their perceptions are otherwise expanded to include persons beyond their circle of "knowing." Thus the excluded minorities each in their time had to develop their learning and skills to such an extent that the perception of their competency became evident to the employer, despite his tendency to be only parochially cognisant of the candidates about him. This process of becoming perceived by achieving higher levels of competency than others was used by members of one ethnic group after another. This kind of standard setting by competing individuals of "outsiders" was a major factor in the increased levels of worker productivity, increased mass output in the economy, raised levels of scholarship and professional competency and an improved standard of living for all. The open competition based on levels of competency and performance was the basis of the American policy of "equality of opportunity."

Because millions of people in the United States were found to remain stagnantly at the bottom of the achieving society, questions were raised about the effectiveness of a geselischaft model to provide equality of opportunity for all. That the geselischaft did not provide "delivered equality" to all was to be expected. The reasons that some never get off the bottom levels of the society can be explained by numbers of reasons; these include:

1. Persistent gemeinschaft employment and education patterns which are exclusionary in effect. (This is what is touted as "racism" by many proponents of "quota-type" pseudo-gemeinschaftism.)
2. The closing of the geographical West, the development of increased machine-intensive production, the increased requirement of highly skilled workers as servants of the machine-intensive system, the lessened requirement for unskilled work, and the expansion of a variety of welfare programs

which reduce incentives for increased education and improved levels of employment competency. (It should be noted that increased welfare provisioning, in its concern for the relative deprivation of non-workers is itself a vestige of the gemeinschaft process.)

The assumption that equality of opportunity is a failure in the United States ignores factors other than employer-prejudice as a cause of the lack of upward movement by those "at the bottom." The substitution of a plan for "delivered equality" disregards the factors of achievement, competency and individual striving and self-control. Delivered equality is not a new concept. Napoleon in his reconstitution of French law established a "numerus-clausus" which restricted religious and ethnic groups to that proportion of positions in the professions which they constituted in the total population. This was one of the earliest attempts to spread success among the population and to prevent specially gifted or motivated members of any one religious or ethnic group from obtaining more than their quota of shares of delivered equality. It took many democracies more than half a century to remove this anti-democratic, anti-competency and anti-productivity restriction. Now it has appeared again under the name of affirmative action. The quota as a principle is as restrictive on democracy as was the Napoleonic code. When we seek to assure everyone of a share of delivered equality according to an ethnic quota to which each person is relegated, over which each person has no control, and in relation to a pseudo-community of ethnics in which the individual has no control then we impose upon all an "Alice in Wonderland" type of membership which makes for alienation, unrest and an eventual lowering of the living standard for all by the installation of built-in worker inefficiency.

The facts are that equality of opportunity is not a failure. It hasn't, in fact, been given a chance to be fully tested. Until there are adequate

programs to serve those at the bottom of the society, where they are, to help them become competitive for positions at the top, we cannot support the claim that equality of opportunity has been fully tested.

The affirmative action mechanism, like the Napoleonic code introduces a conceptualization of rights which are tied not to the individual (as is the basis of the gesellschaft community model and American constitutional law) but to ethnic and racial characteristics. The Napoleonic code, and probably affirmative action may serve to gratify a few minority members for a limited time only to find that they have traded their individual rights in the present for "closed-out" quotas for their children and grandchildren. Quota concepts under American law, whether related to the calculation of Negroes as 3/5 of a white citizen, or under immigration restrictions were ultimately judged to be anti-democratic and retrogressive.

The move from a society which barely survived to one where relative affluence is available to all was the move from gemeinschaft to gesellschaft. The move from a world of special privilege to opportunity for everyone was also a move from the "caring community" to the "free" community. The move from tribal preference and fated-ineffectiveness to competition and productivity was a move from communal parochial relatedness to individual striving. The move from the dark ages of closed communities to open exchange of knowledge and the testing of ideas against each other epitomizes the move from gemeinschaft to gesellschaft.

Gesellschaft hasn't really reached its peak in performance. Monopolistic, gemeinschaft-like restraint of trade, and a variety of pseudo-gemeinschaft techniques prevent a full test of the really-free market place of materials, ideas and people.

Man constantly seeks the attainment of new ideas and mastery over his world while he yearns to retain the security blanket of belongingness. The

facts are that he can't have both. Either we move ahead in the honest search for truth, scientific creativity and productivity or we regress, back to our walled cities and our defense against the stranger. Pseudo-gemeinschaft, whether experienced in the form of affirmative action or the "caring corporation" is retrogressive.